

ENVIRONMENTAL PROTECTION COMMISSION[567]**Adopted and Filed**

Pursuant to the authority of Iowa Code section 455B.173(2), the Environmental Protection Commission (Commission) hereby amends Chapter 61, “Water Quality Standards,” Iowa Administrative Code.

The purpose of these amendments is to create additional flexibility for wastewater dischargers by adding the option to use the Biotic Ligand Model (BLM) to determine water quality criteria for copper. The amendments will also add the option to use the Water-Effect Ratio (WER) to adjust the existing water quality criteria for copper.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2757C** on October 12, 2016. Public hearings were held on November 1, November 2, and November 3, 2016. Public comments were received and considered. A responsiveness summary has been prepared and is available at: <http://www.iowadnr.gov/Environmental-Protection/Water-Quality/Water-Quality-Standards>.

In response to public comments, clarifying revisions were made to the Implementation Procedure for Biotic Ligand Model-Based Copper Criteria, and are listed in the responsiveness summary. Those clarifications do not alter the substantive impact of these amendments.

The Commission adopted these amendments on December 20, 2016.

After analysis and review of this rule making, these amendments are expected to have a positive impact on jobs. The amendments are projected to result in a total cost savings ranging between \$113 million and \$215 million for cities, industries, and semipublic entities. This total savings is expected to be achieved by 7 to 10 facilities across the state that may be able to provide full protection of water quality without the need to install copper removal technology by using the copper BLM or WER. These cost savings could lead to further investment in production and job growth.

These amendments are intended to implement Iowa Code section 455B.173(2).

These amendments will become effective February 22, 2017.

The following amendments are adopted.

ITEM 1. Amend subrule **61.3(3)**, TABLE 1, Criteria for Chemical Constituents, parameter for copper, as follows:

Copper	Chronic ⁽ⁿ⁾	20	—	16.9 ⁽ⁱ⁾	16.9 ⁽ⁱ⁾	16.9 ⁽ⁱ⁾	10	—	—
	Acute ⁽ⁿ⁾	30	—	26.9 ⁽ⁱ⁾	26.9 ⁽ⁱ⁾	26.9 ⁽ⁱ⁾	20	—	—
	Human Health + — Fish	—	—	—	—	—	—	—	1000 ^(e)
	Human Health + — F & W	—	—	—	—	—	—	—	1300 ^(f)

ITEM 2. Adopt the following **new** footnote (n) in subrule **61.3(3)**, TABLE 1, Criteria for Chemical Constituents:

- (n) The copper criteria in Table 1 can be adjusted by a Water-Effect Ratio (WER). The WER factor is equal to 1.0 unless an approved WER study has been conducted by a permittee for a specific point source. The WER study shall be conducted in accordance with the “Interim Guidance on Determination and Use of Water-Effect Ratios for Metals (EPA-823-B-94-001), February 22, 1994,” or upon approval by the department, the “Streamlined Water-Effect Ratio Procedure for Discharges of Copper (EPA-822-R-01-005), March 2001,” which are hereby adopted by reference.

The copper Biotic Ligand Model (BLM) may be used as an alternative to the copper criteria in Table 1. The copper BLM is found in the document “Aquatic Life Ambient Freshwater Quality Criteria - Copper 2007 Revision (EPA-822-R-07-001), February 2007,” which is hereby adopted by reference.

ITEM 3. Reserve subrule **61.3(9)**.

ITEM 4. Adopt the following **new** subrule 61.3(10):

61.3(10) *Implementation procedure for biotic ligand model-based copper criteria.* The department hereby incorporates by reference “Implementation Procedure for Biotic Ligand Model-Based Copper Criteria,” February 22, 2017. This document may be obtained on the department’s Web site.

[Filed 12/22/16, effective 2/22/17]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 1/18/17.